

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

SEP 22 2017

David J. Bradley, Clerk

United States of America
v.
David Armando CASTANEDA
YOB: 1976
United States Citizen
Defendant

Case No. 11-17-1709-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 09/22/2017 in the county of Hidalgo in the Southern District of
Texas, the defendant violated 18 U. S. C. § 922(g)(1)
, an offense described as follows:

On September 22, 2017, the defendant, did knowingly and unlawfully possess a firearm namely:

-Smith & Wesson, model SW40VE, .40 caliber pistol, SN# DYL0426

that had previously traveled in and affected interstate commerce, after being convicted in a court of law for a felony crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

/s/ Cesar A. Zambrano

Complainant's signature

Cesar A. Zambrano - ATF Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to, attested
to telephonically per Fed.R.Crim.P.4.1, and probable cause found on:Date: 09/22/2017 8:23 p.m.

Peter E. Ormsby
Judge's signature

City and state: McAllen, TX

Peter E. Ormsby, United States Magistrate Judge
Printed name and title

ATTACHMENT A

I, Special Agent Cesar A. Zambrano, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since September 1996.

1. My duties include the investigation of violations of the Federal firearms laws. I know it to be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
2. The facts establishing the foregoing issuance of an arrest warrant are based on the following:
3. On September 22, 2017, pursuant to a State search warrant at the residence of David Armando CASTANEDA located in Mission, Texas, Hidalgo County Sheriff's Office (HCSO) Investigators found a loaded pistol in the living room of the residence. Following the discovery of the pistol, the HCSO investigators contacted your affiant, who was present at the scene assisting with surveillance. Upon inspecting the pistol, your affiant determined the pistol to be a Smith & Wesson, model SW40VE, .40 caliber pistol, SN# DYL0426.
4. CASTANEDA was transported to the HCSO for an interview. Post MIRANDA, CASTANEDA told your affiant that he is the only person living at the residence and that the firearm which he described as a .40 caliber pistol belonged to him. CASTANEDA also told your affiant that he had acquired the pistol approximately one year ago and was using it for self-defense. CASTANEDA also told your affiant that he normally keeps the pistol under the sofa of his living room but on the previous night he placed the pistol on top of the sofa where the the Investigators found it.
5. CASTANEDA also told your affiant that he had been previously convicted in the State of Texas for aggravated robbery and deadly conduct for which he received four or five year prison sentence. CASTANEDA also told your affiant that he had been convicted in federal court for transporting illegal aliens.
6. A criminal history check revealed that CASTANEDA was previously convicted on December 8, 2008 for conspiracy to transport aliens within the U.S. (8 US Code Section 1324(a)(1)(A)(v)(I) - Case No. 7:08CR01407-001). This crime is punishable by imprisonment for a term exceeding one year.

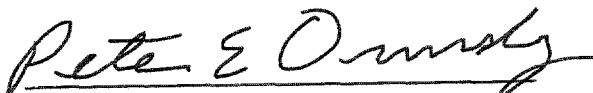
ATTACHMENT A

8. Your affiant spoke with ATF Resident Agent in Charge Noel Rangel, who is a firearms and ammunition interstate nexus examiner.
9. Based on the information your affiant provided to RAC Rangel about the firearm, RAC Rangel determined that relative to the date and place of firearm manufacture, the above weapon is a firearm under the definition of Chapter 44, Title 18 USC Sec. 921(a)(3) and was manufactured outside the State of Texas, after the year 1898. Therefore, the firearm had previously traveled in interstate or foreign commerce at sometime prior to being possessed by any person in the State of Texas.
9. Based upon the aforementioned, there is probable cause to believe that CASTANEDA was in possession of the above mentioned firearm in violation of Title 18, United States Code, Section 922(g)(1), on September 22, 2017, in Hidalgo County, Texas.

/S/ Cesar A. Zambrano

Cesar A. Zambrano - ATF Special Agent

Submitted and sworn to via reliable electronic means,



Peter E. Ormsby, United States Magistrate Judge

09/22/2017

Date